

Appl. No. 10/065,775
Amdt. dated July 21, 2006
Reply to Office Action of April 21, 2006

REMARKS/ARGUMENTS

In the Office Action of 21 April 2006, the Patent Office examined claims 1-14, 33, 64, 67-69, and 78 – the remainder of claims 1-117 from the original filing having been previously cancelled by preliminary amendment. In the April 21 Office Action, the Patent Office raised several 35 USC §112, second paragraph, objections to claims 1, 8, and 33. In addition, the Patent Office rejected all of the pending claims under 35 USC §103 as being unpatentable over *Nguyen*, U.S. Pat. No. 5,689,566, in view of *Cunningham*, U.S. Pat. No. 6,219,786 - alone or in further combination with other references.

Although Applicant does not concede that the original claims, as presented, are anticipated or made obvious by the art cited by the Patent Office, in response to the Office Action and to facilitate further and expeditious examination and allowance of the present application, Applicant has cancelled all of the previously pending claims 1-14, 33, 64, 67-69, and 78 and added, herewith, new claims 118-162. Of these claims, only claims 118 and 140 are independent. It is respectfully submitted that by cancelling pending claims 1, 8, and 33, the 35 USC §112, second paragraph, objections are now moot and no longer relevant. Applicant respectfully request withdrawal of this basis of rejection of the application.

With regard to the 35 USC §103 rejections, Applicant presents new claims 118-162, which further emphasize the subject matter to which Applicant's invention is directed, namely, methods of managing and monitoring IP communications within a computer network to help prevent intrusions into or to otherwise track communications within the computer network. Each of new independent claims 118 and 140 make clear that such methods are intended for use in Internet protocol (IP) communications (e.g., TCP/IP and UDP communications).

Specifically, independent claim 118 is directed to a method for managing electronic communications within a computer network, the electronic communications compliant with Internet Protocol (IP) standards, comprising the steps of assigning a

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unique identifier to a source node, the unique identifier identifying at least one of a user identification (UID) and a system identification (SID), wherein the UID uniquely identifies a specific, authorized user of the source node, wherein the SID is constant and uniquely identifies a specific computing device of the source node, and wherein the SID is not an IP address assigned to the computing device; inserting the unique identifier assigned to the source node into an IP packet originated by the source node as part of a communication attempt by the source node with a destination node; and, thereafter, intercepting the IP packet transmitted by the source node before it reaches the destination node; extracting the unique identifier from the IP packet; and permitting the communication attempt by the source node with the destination node as a function of the unique identifier extracted from the IP packet.

Similarly, independent claim 140 is directed to a method of monitoring electronic communications between a source node and a destination node within a computer network, the electronic communications compliant with Internet Protocol (IP) standards, comprising the steps of assigning a unique and non-IP address identifier to the source node; inserting the identifier assigned to the source node into a standard field of an IP packet, the IP packet being originated by the source node as part of an electronic communication with the destination node; intercepting the IP packet transmitted by the source node before it reaches the destination node; extracting the identifier from the IP packet; and, thereafter, logging the identifier extracted from the IP packet in a database; and forwarding the IP packet to the destination node.

In contrast, Nguyen appears to disclose and teach a system for using three way password authentication procedures to encrypt different portions of a logon packet to authenticate a client and a server (or a source node and a destination node) to each other before an electronic communication is permitted. Unlike the present invention, Nguyen requires this preliminary exchange of authentication information (i.e., logon procedure) between the client and the server before an actual communication path is opened using a conventional communication protocol, such as TCP/IP or UDP. The logon protocol taught by Nguyen is independent of the communication protocol to be used by the client and the server and is a separate procedure that is performed before the actual electronic

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communication is initiated between the client and the server using conventional communication protocols – the logon procedure described by Nguyen overlays the actual communication network and communication system that will be used by the client and the server to communicate. For example, Figs. 13A-D of Nguyen illustrate “the packet headers used in the logon procedure.” (Col. 11, lines 24-25). Fig. 13E of Nguyen illustrate “a normal packet such as those used during data transfer.” (Col. 11, lines 29-30). While the initial authentication protocol taught by Nguyen provides many obvious advantages, it is different than and not especially relevant to the methods, systems, and apparatuses disclosed and claimed by the present invention. For example, Nguyen does not teach or disclose the assignment of a unique identifier to a source node or the insertion of the unique identifier into a standard IP packet that is part of the actual electronic communication between the client and server (or between a source node and a destination node), which is compliant with Internet Protocol standards and which is intercepted before the IP packet reaches the destination node. Further, Nguyen does not disclose or teach an identifier that identifies at least one of a user identification (UID) and a system identification (SID), wherein the UID uniquely identifies a specific, authorized user of the source node, wherein the SID is constant and uniquely identifies a specific computing device of the source node, and wherein the SID is not an IP address assigned to the computing device.

Similarly, Cunningham discloses and teaches a method and system for monitoring and controlling network access that includes *non-intrusively* monitoring network traffic. Cunningham discusses the interception and examination of data packets, but does not teach, disclose, or suggest inserting any identifier into such packets, which is required by and used to advantage by all of the currently-pending claims of the present invention. Thus, Cunningham does not teach or suggest steps of assigning a unique identifier to a source node, the unique identifier identifying at least one of a user identification (UID) and a system identification (SID); inserting the unique identifier assigned to the source node into an IP packet originated by the source node as part of a communication attempt by the source node with a destination node; and, thereafter, intercepting the IP packet transmitted by the source node before it reaches the destination node; extracting the

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unique identifier from the IP packet; and permitting the communication attempt by the source node with the destination node as a function of the unique identifier extracted from the IP packet, as set forth in claim 118. Nor does Cunningham disclose, teach, or suggest steps of assigning a unique and non-IP address identifier to the source node; inserting the identifier assigned to the source node into a standard field of an IP packet, the IP packet being originated by the source node as part of an electronic communication with the destination node; intercepting the IP packet transmitted by the source node before it reaches the destination node; extracting the identifier from the IP packet; and, thereafter, logging the identifier extracted from the IP packet in a database; and forwarding the IP packet to the destination node, as claimed in claim 140.

Neither Nguyen or Cunningham or any of the other art cited by the Patent Office disclose, suggest, or teach the methods of new independent claims 118 and 140. Thus, for the above reasons, independent claims 118 and 140 define over the art cited by the Patent Office to date, including Nguyen and Cunningham, whether considered alone or in combination with each other or any of the other art cited. For these reasons, independent claims 118 and 140 and all of their dependent claims stand in condition for allowance.

CONCLUSION

It is respectfully submitted that newly presented claims 118-162 are not anticipated by or made obvious by any of the art cited by the Patent Office to date, including Nguyen and Cunningham, whether considered alone or in combination with each other or any of the other art cited. For these reasons, Applicant respectfully submits that new claims 118-162 define over the prior art and, thus, stand in condition for allowance, which action is earnestly solicited.

This communication is responsive to the Office Action mailed on 21 April 2006, to which a response is due on or before 21 July 2006. Thus, no extension of time fees should be due with this response.

Further, with entry of this amendment, claims 1-117 have now been cancelled and new claims 118-162 are presented for examination. Applicant originally paid for 7

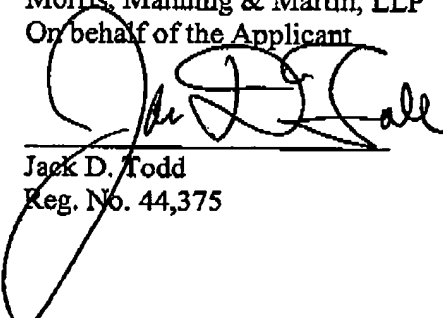
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independent claims and 117 total claims and the present amendment merely presents 2 independent claims and 44 total claims.

For these reasons, it is not believed that any other fees are due with this Amendment; however, if our assessment is in error, please charge any fees that might be due or credit any overpayment to our Deposit Account No. 50-3537.

Respectfully submitted by
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On behalf of the Applicant

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